

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

EC/320/2021

THE BOARD OF MAJOR PORT AUTHORITY FOR
SYAMA PRASAD MOOKHERJEE PORT, KOLKATA
VS
LMJ SHIPPING PVT LTD.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: June 12, 2025.

Appearance:

Mr. Subhankar Nag, Adv.

Mr. Ashok Kumar Jena, Adv.

... for the Award Holder

Ms. Rashhmi Singhee, Adv.

Mr. Soumish Ghosh, Adv.

...for the Judgment Debtor

1. Mr. Subhankar Nag, learned Advocate, is appearing for the award holder.
2. Ms. Rashhmi Singhee, learned Advocate, is appearing for the judgment debtor.
3. The award holder has filed the present execution proceeding for execution of the award passed by the learned Arbitrator dated 11th April, 2019. The principle awarded amount is Rs.36,86,836/- and as on 30th June, 2019, the interest at the rate of 8% would come to Rs.73,03,181/-.
4. The matter was fixed on 8th April, 2025. On the said date this Court had directed the judgment debtor to file fresh balance sheets for financial year of 2023-2024 and 2024-2025 along with fresh affidavit of assets within four weeks from date after serving the copy to the learned Counsel for the award holder.

5. This Court has also specifically fixed the matter today at 11:30 A.M. for examination of the judgment debtor. Today when the matter is called, learned Counsel for the award holder submits that in spite of the order passed by this Court, the judgment debtor has not filed the fresh affidavit of assets disclosing the fresh balance sheets for the financial of 2023-2024 and 2024-2025. Learned Counsel for the judgment debtor submits that she has affirmed the affidavit of assets disclosing the fresh balance sheet for the above mentioned years but neither it was filed in the Court nor it has been served upon the award holder.
6. As regard the appearance of the judgment debtor, the judgment debtor is not present in Court in person but he is appearing through virtual mode.
7. This Court finds that the case is fixed today for examination of the judgment debtor but it is not possible for this Court to examine the judgment debtor through the virtual mode.
8. Considering the above, this Court finds that one or the other reasons, the judgment debtor is dragging the matter instead of complying with the award passed by the learned Arbitrator.
9. Accordingly, the judgment debtor is directed to deposit the amount of Rs. 36,86,836/- before the Registrar, Original Side of this Court by 17th June, 2025.
10. List the matter on 18th June, 2025.

(KRISHNA RAO, J.)